

Before the  
Federal Communications Commission  
Washington, D.C.

In the Matter of	)	
	)	
Revision of the Commission's Rules	)	
To Ensure Compatibility with	)	CC Docket No. 94-102
Enhanced 911 Emergency	)	RM-8143
Calling Systems	)	

**ORDER**

**Adopted:** November 13, 1998; **Released:** November 13, 1998

By the Chief, Wireless Telecommunications Bureau:

**I. INTRODUCTION**

1. The Wireless Telecommunications Bureau (Bureau) is authorized to extend through December 31, 1998, the suspension of enforcement of Section 20.18(c) of the Commission's Rules,<sup>1</sup> as that section relates to the transmission of 911 calls made from TTY devices using digital wireless systems. In an Order released on September 30, 1998, the Bureau extended this suspension through November 15, 1998.<sup>2</sup>

2. On October 30, 1998, the Cellular Telecommunications Industry Association (CTIA) and the Personal Communications Industry Association (PCIA) requested, on behalf of their members, that the Bureau continue suspension of enforcement of Section 20.18(c) beyond the scheduled November 15, 1998, termination date.<sup>3</sup> In the October 30 filing, CTIA also submitted the Workplan of the Wireless TTY Forum (Forum). The October 30 Workplan identifies possible solutions for TTY access over digital wireless systems.

3. In this Order, we hereby (1) extend the suspension of enforcement of Section 20.18(c) through December 31, 1998; (2) encourage and support further efforts of the Forum to work toward

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<sup>1</sup> 47 C.F.R. § 20.18(c).

<sup>2</sup> Revision of the Commission's Rules To Ensure Compatibility with Enhanced 911 Emergency Calling Systems, CC Docket No. 94-102, Order, DA 98-1982 (Wireless Telecom. Bur.), released Sept. 30, 1998 (*September 30 Order*).

<sup>3</sup> Joint Comments of the Cellular Telecommunications Industry Association and Personal Communications Industry Association at 3.

measures to ensure expeditious compliance with the Commission's rules; and (3) establish procedures under which wireless carriers subject to the requirements of Section 20.18(c) may petition the Commission, not later than December 4, 1998, for waivers of such requirements, which, if granted, will take effect on January 1, 1999, after the suspension of enforcement expires.

4. We are establishing a waiver mechanism that requires carriers to provide specific information (including well-documented timetables and milestones) regarding their plans to comply with the requirements of Section 20.18(c). We take this action because persons with disabilities who rely on TTY devices *must* be able to use 911 in emergencies, when lives may depend on effective communication with public safety personnel. That is why the Americans with Disabilities Act requires non-discriminatory access to State and local government services such as 911 for people with speech or hearing disabilities.

## II. WIRELESS TTY FORUM ACTIVITIES

5. Although the October 30 Workplan suggests that carriers operating digital wireless systems will not be able to bring themselves into compliance with the requirements of Section 20.18(c) in the near future,<sup>4</sup> the Bureau is cognizant of the fact that the Forum has striven to develop voice-based and data-based solutions to the problems associated with successfully transmitting TTY calls over such systems.

6. The Bureau also believes that the Forum should be encouraged to continue its efforts, since it has the opportunity to serve as a vehicle to spur further discussion and analysis of possible solutions. For example, we believe that the Forum should continue the task of providing test results and demonstrations on several potential methods for dealing with incompatibility between TTY devices and the different digital wireless technologies.<sup>5</sup> Completion of this testing and the provision of an evaluation of the test results by the Forum to the Commission will play a role in the Commission's determination of the best means to accomplish compliance with the requirements of Section 20.18(c).

## III. PETITIONS FOR WAIVER

7. As we have noted above, the Bureau is appreciative of the efforts of the Forum in examining the technical problems associated with transmitting TTY information over digital wireless networks and developing various approaches to solving these problems. We cannot ignore the fact, however, that, despite the efforts of the Forum, users of TTY devices will not be able to operate such devices in conjunction with digital phones at any time in the near future.

8. We reach this conclusion based upon our view that the Forum, while it serves as an excellent colloquium for individuals representing the wireless industry (carriers and manufacturers),

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<sup>4</sup> For example, the Workplan appears to indicate that the estimated time for implementation of a data-based solution is between 12 and 18 months. See October 30 Workplan, Appendix C.

<sup>5</sup> See October 30 Workplan at 2.

manufacturers of TTY equipment, emergency and relay service providers, and consumer organizations that represent individuals who are deaf or hard-of-hearing to meet, exchange ideas, and attempt to develop solutions, the Forum is not designed or intended to be an organization that can enforce or impose upon carriers any commitment to *implement* a solution.

9. As we have described, the Commission has adopted a rule requiring carriers to enable use of TTY devices over digital wireless systems, but has suspended enforcement of that rule. Because of the significant benefits the requirements established in Section 20.18(c) will provide to individuals who are deaf, hard-of-hearing, or who have speech disabilities, we believe that additional action is necessary to promote the development of solutions leading to compliance with these requirements.

10. We conclude, therefore, that a useful step at this juncture, for purposes of continuing the process of achieving carrier compliance, is for the Commission to require the carriers to demonstrate their commitment to, and plans for, complying with Section 20.18(c). Thus, in addition to extending the suspension of enforcement of the rule through December 31, 1998, we are also establishing the following procedures and providing the following guidance to carriers who would seek waiver of Section 20.18(c) as of January 1, 1999.

11. Petitions for waiver shall specify with sufficient particularity the following:

- (1) What steps the carrier is taking or intends to take to provide users of TTY devices with the capability to operate such devices in conjunction with digital wireless phones.
- (2) When the carrier intends to make this capability available to TTY users. This information should include well-documented timetables and milestones from the carrier regarding the implementation of this capability.
- (3) What reasonable steps the carrier will take to address the consumer concerns referenced in the *September 30 Order*.<sup>6</sup>

To maintain any such waiver, carriers will then be required to file submissions every three months, beginning on the date of the waiver grant, indicating progress they are making toward implementation of TTY/digital capability. We will evaluate these submissions to determine if the carrier's waiver shall remain in effect.

12. In the case of any carrier seeking a waiver that would become effective on January 1, 1999, such carrier shall file a petition for waiver with the Commission on or before December 4, 1998.

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<sup>6</sup> See *September 30 Order* at para. 9 & Appendix.